

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

COURTNEY FRANKLIN, #37472

§

VS.

§

CIVIL ACTION NO. 4:22cv161

**CITY OF PARIS POLICE DEP'T,
ET AL.**

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**MEMORANDUM ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge in this action (the “Report”) (Dkt. #24), this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636.

In the Report, the Magistrate Judge recommends that Plaintiff’s lawsuit be dismissed. Specifically, the Magistrate Judge recommends: (1) the claims against Defendant Paris Police Department be dismissed with prejudice as frivolous and for failing to state a claim; (2) the claims against Defendant Lamar County District Attorney Gary Young (“District Attorney Young”), in his official capacity, be dismissed without prejudice as barred by the Eleventh Amendment; (3) the claims against Defendant District Attorney Young, in his individual capacity, be dismissed with prejudice as barred by prosecutorial immunity; and (4) the dismissal count as a strike pursuant to 28 U.S.C. § 1915(g) based on the recommendation that some claims be dismissed as frivolous for failing to state a claim upon which relief may be granted.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the court.

IT IS ORDERED that Plaintiff's lawsuit is **DISMISSED**; this dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g).

SIGNED this 5th day of September, 2023.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE